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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.3579 OF 2007

A.P. Greig Fondation Trst & & Ors..Petitioners

Versus

The Joint Charity Commissioner & Ors..Respondents

Mr. J. Reis with Mr. Y. Chaudhari for the petitioners
Mr. P.I. Khemani AGP for Respondents.

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.
DATED : 3RD MAY 2007

P.C.

. Rule.Heard forthwith.

. The petitioner had approached the Joint Charity Commissioner, Nasik, by an application under Section 36(3)(a) of the Bombay Public Trusts Act, 1950. That was an application for taking loan for the purpose of constructing a building. The case of the petitioner is that they purchased the property from the Respondent No.4 after the same was duly sanctioned by the Joint Charity Commissioner, Aurangabad Region, Aurangabad. When this application came up for consideration before the respondent No.1 the respondent No.1 purported to go into the issue whether sanction granted by the Joint Charity Commissioner, Aurangabad Region, was within the authority of law and for some reasons held that the permission could not have been granted. In our opinion this would be totally without jurisdiction. The Joint Charity Commissioner, Aurangabad was exercising quasi judicial functions. The remedy of any person aggrieved would be to challenge that order if

aggrieved. Another quasi judicial authority discharging coordinate jurisdiction could not have sat in appeal or set aside the order passed by the Joint Charity Commissioner, Aurangabad. The impugned order to that extent, therefore, is clearly without jurisdiction and deserves to be set aside and consequently is set aside.

2. The Joint Charity Commissioner, Respondent No.1 to consider the petitioners application and decide the same according to law uninfluenced by what he has set out earlier in the order, which is set aside, within a period of four weeks from the date a copy of this order being served on the respondent No.1. Rule made absolute accordingly. No order as to costs.

(**F.I.REBELLO**, J)

(**R.M. SAVANT,J)**